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**PRESIDENCY UNIVERSITY
BENGALURU**

SCHOOL OF LAW

MAKE UP EXAMINATION-JAN 2023

Course Code: LAW 110

Course Name: Law of Crimes-2

Program : B.A./B.B.A/B.Com. LL.B (Hons.)

Date: 20-JAN-2023

Time: 09:30 AM- 12:30 PM

Max Marks: 100

Weightage: 50%

Instructions:

- (i) All Questions are compulsory unless expressly stated otherwise
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PART A

Answer All the Questions.

(2MX10Q= 20Marks)

1. Outline the essentials of Thug. (CO.NO.4) [Knowledge] **(2 Mark)**
2. Outline the essentials of Wrongful Confinement (CO.NO.3) [Knowledge] **(2 Mark)**
3. Section 403, IPC defines Dishonest misappropriation of property as, "Whoever dishonestly misappropriates or converts to his own use any movable property".

Statement I: A the owner of a watch, gives his watch for repair against a charge to B A however, took away the watch after repairing without paying any charge and without the consent of B. A has made himself liable for theft as he has acted with dishonest intention at the time of taking his watch back. (CO.NO.3) [Knowledge] **(2 Mark)**

Statement II: The offence of theft is an offence against possession.

- A. Both the statements are individually true and statement II is the correct explanation of statement I
- B. Both the statements are individually true and statement II is not the correct explanation of statement I

C. Statement I is true but statement II is false

D. Statement I is false but statement II is true

4. Outline the essentials of Assault (CO.NO.2) [Knowledge] (2 Mark)
5. “Volenti non fir injuria” means _____ (CO.NO.1)[Knowledge](2 Marks)
6. “De Minimis Non Curat Lex” means _____ (CO.NO.1) [Knowledge] (2 Marks)
7. Outline the essentials of Abduction. (CO.NO.2) [Knowledge] (2 Marks)
8. Outline the essentials of forgery as per IPC. (CO.NO.3) [Knowledge] (2 Marks)
9. According to Section 384 of Indian Penal Code Whoever commit extortion shall be punished with imprisonment of either description for a term which may extend to 3 year or fine or both. Outline the essentials of Extortion. (CO.NO.3) [Knowledge] (2 Marks)
10. Outline the essentials of Defamation. (CO.NO.5) [Knowledge] (2 Marks)

PART B

Answer all the Questions. Each Question is for TEN Marks each (4Qx10M=40M)

11. Critically analyse the concept of unnatural offences and the constitutional validity of section 497 with the help of relevant cases.

(CO.NO.2) [Comprehension] (10 Marks)

12. Explain the concept of Theft and Extortion. Differentiate between both with the help of landmark judgements.

(CO.NO.3) [Comprehension] (10 Marks)

13. The legal definition of rape has changed substantially since the late 20th century. The traditional definition was narrow with respect to both gender and age; rape was an act of sexual intercourse by a man with a woman against her will. As rape is now understood, a rapist or a victim may be an adult of either gender or a child. Although rape can occur in same-sex intercourse, it is most often committed by a male against a female. There is also an increasing tendency to treat as rape an act of sexual intercourse by a husband with his wife against her will and to consider forced prostitution and sexual slavery as forms of rape. In the State of Punjab vs. Gurmit Singh & Ors, the Supreme court observed that, “Rape is not merely a physical assault, it is often destructive of the whole personality of the victim. A murderer destroys the physical body of the victim, a rapist degrades the very soul of the helpless female”. Highlight the amendments in the provisions related to offence of rape post Criminal Amendment Act, 2013 with landmark judgements.

(CO.NO.5) [Comprehension] (10 Marks)

Question 14. Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, to defame that person.

Elucidate the concept of defamation in the light of above statement and differentiate with defamation defined under torts. (CO.NO.4) [Comprehension] **(10 Marks)**

PART C

Answer all the Questions. Each Question is for TWENTY Marks (2Qx20M=40M)

16. Krishya's husband Rakesh committed suicide on 1-2-1996 by hanging himself in his own house. He got married to Krishya on 26-7-1992. They lived together till 23-3-1993 and then separated. The husband filed the divorce suit against her on ground of unchastity as she developed illicit relationship with one Dhanraj Choudhary, Advocate. That suit was pending still when the husband committed suicide. The suicide note written by the deceased was found in the house on 3-4-1996 wherein he has stated in what circumstances he committed suicide. The narration is that this lady was behaving in immoral manner having sexual connections with Dhanraj and on objection by the husband, her mother was creating a scene and declaring that this was the freewill of the girl and he was nobody to object. All this proved as a mental cruelty against him caused by Krishya and in order to avoid all these unfortunate circumstances he ended his life. Identify the issue in the light of above scenario and discuss. (CO.NO.2) [Application] **(20 Marks)**

17. A generally accepted definition of marriage is that of matrimony or wedlock, which is a culturally recognised social sanction of union between two people. This union helps in establishing rights and obligations between two people coming together in this union, along with their children, and the in-laws. However, the sacrosanct institution of marriage has been existing through generations and has consumed in itself various distorted versions of the same. To correct them, and subsequently, make sure that no innocent life suffers. Different laws and precedents have been brought in by various courts, with the most illuminating ones being from the Hon'ble Apex Court. Such misbehaviours, namely: adultery, desertion, or cruelty, amongst others, are known to be offences against marriage or matrimonial offences. In a case Sekhar and Suman are having an affair. At the time of consented co-habitation between both they admitted that there was no marriage and for the purpose of co-habitation no deceitful means was used by Shekhar so as to make out a prima facie case for the offence. When Shekhar embraced and kissed Suman, she resisted but when he put vermilion (sindoor) on her head and declared her as his wife with the assurance to accept her publicly after getting a job, thereafter she submitted for sexual inter course. In the light of above facts identify whether any offence has been committed under Indian Penal Court. Justify with case laws. (CO.NO.5) [Application] **(20 Marks)**